

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH EVERETT JOHNSON, JR.,

No. C 05-3375 SI (pr)

Plaintiff,

ORDER OF DISMISSAL

v.

DEPUTY HENSEL; et al.,

Defendants.

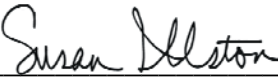
Joseph Everett Johnson, Jr., an inmate at the San Mateo County Jail, has filed a pro se civil rights action under 42 U.S.C. § 1983. His complaint is now before the court for review pursuant to 28 U.S.C. § 1915A, which requires the court to engage in a preliminary screening of any case in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). In its review, the court must identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief. See id. at 1915A(b)(1),(2). Pro se pleadings must be liberally construed. See Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1990).

The complaint filed in this action duplicates the complaint filed several months earlier by Johnson in Johnson v. Hensel, No. C 05-2258 SI. The complaint is frivolous because it repeats claims made in the earlier case. See Cato v. United States, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995); Bailey v. Johnson, 846 F.2d 1019, 1021 (5th Cir. 1988) (duplicative or repetitious

litigation of virtually identical causes of action is subject to dismissal under 28 U.S.C. § 1915 as malicious). This action is dismissed with prejudice. The clerk shall close the file.

IT IS SO ORDERED.

Dated: March 1, 2006



SUSAN ILLSTON
United States District Judge